

Attorney Docket No.: DEX-0199
Inventors: Salceda et al.
Serial No.: 09/817,318
Filing Date: March 26, 2001
Page 5

REMARKS

Claims 1 and 3-6 are pending in the instant application. Rejection of claim 1 and 3-6 under 35 U.S.C. § 112, first paragraph, for lack of written description and enablement has been maintained. Specifically, the Examiner suggests that the phrase "upregulated in or specific to human mammary gland cancer" does not provide a specific function with respect to polynucleotides with 95% identity to SEQ ID NO:1 to meet the written description and enablement requirements of 35 U.S.C. § 112, first paragraph.

Applicants respectfully disagree with the Examiner.

However, in an earnest effort to advance the prosecution of this case, Applicants have amended claims 1, 5 and 6 to delete this phrase. Further, in accordance with the Examiner's suggestion during a Telephone Interview conducted on October 21, 2003, Applicants have amended claims 1, 5 and 6 to state "or fragment thereof." Support for this phrase is provided throughout the specification, for example at pages 18-21 and in particular at page 21, lines 3-11. Thus, no new matter is added by this amendment. Reconsideration is respectfully requested in light of these amendments and the above remarks.

Attorney Docket No.: DEX-0199
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Page 6

Applicants believe that the foregoing comprises a full and complete response to the Advisory Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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